

# Guidance on the Handling of Criminal Evidence

Use with Chapter 296-823 WAC, Occupational Exposure to Bloodborne Pathogens

## IMPORTANT INFORMATION:

These guidelines will assist law enforcement agencies in meeting the requirements of the Bloodborne Pathogens (BBP) rule when collecting and preserving criminal evidence.

Law enforcement agencies are responsible for:

- Collecting and preserving criminal evidence for future analysis
- and**
- Protecting criminal evidence from contamination

## SPECIMENS AS CRIMINAL EVIDENCE

Criminal evidence such as clothing and other items contaminated with blood or other potentially infectious materials (OPIM) are considered "specimens" and fall under the scope of the BBP rule. Blood is one of the most common types of criminal evidence and one of the most fragile.

## PRESERVING SPECIMENS AS CRIMINAL EVIDENCE

WISHA recognizes the risks and unique requirements involved in the storage of criminal evidence contaminated with blood and OPIM.

Packaging of contaminated blood and OPIM to protect employees from exposure as described in the BBP rule would not work for the storage of these specimens as criminal evidence. If you followed the packaging requirements found in the BBP rule, the result would be:

- Accelerated deterioration of the specimens
- and**
- An inability to meet your need to store the specimens for extended periods of time

For example, packaging wet or damp bloodstains in airtight containers, such as plastic bags, will cause them to deteriorate, shortly becoming useless. In an effort to minimize deterioration, specific forensic practices for the collection and packaging of specimens needs to be followed.

Law enforcement agencies need to:

- Air dry blood-soaked criminal evidence as soon as possible following collection
- Place the items in brown unbleached heavy paper bags or storage.
- Comply with all other applicable sections of the BBP rule

Law enforcement officers, forensic scientists, and court employees who handle and prepare specimens need to:

- Use appropriate personal protective equipment (PPE) at all times

<http://www.lni.wa.gov/>

